



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2103703  
**Applicant Name:** Neal Thompson for Schnieder Homes Inc.  
**Address of Proposal:** 14300 Greenwood Avenue North

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a four story building with 2,480 square feet of administrative office, 3,888 square feet of customer service office and four residential units at ground level and 57 residential units above. Project includes parking for 104 vehicles below and at grade. Project includes SEPA review for demolition of an existing building.

The following approvals are required:

**SEPA - Environmental Determination** – Chapter 25.05 SMC

**Design Review** – Chapter 23.41 SMC - Three Design Departures

- 1) SMC 23.47.008 B, Commercial frontage.
- 2) SMC 23.47.008 D, Residential lot coverage.
- 3) SMC 23.54.030 G, Sight triangle.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

\* Early DNS Notice published June 6, 2002

## **BACKGROUND DATA**

### **Site Description / Vicinity**

The site is located in northwest Seattle at the northeast corner of Greenwood Avenue North and N. 143<sup>rd</sup> St. Greenwood Ave. N. is a principal arterial and rises gradually to the north. N. 143<sup>rd</sup> is a residential street and is quite flat at the site. Phinney Avenue North bounds the east of the site, and is a residential street. The City limit line is two blocks to the north on N. 145<sup>th</sup> Street. The site lies outside of the Broadview-Bitter Lake-Haller Lake Hub Urban Village, which ends four blocks to the east.

Zoned Neighborhood Commercial Two with a 40-foot base height limit (NC2-40), the site's adjacent properties immediately to the north are also zoned NC2-40, as is land across Greenwood Avenue. Properties to the northeast, east, and southeast are zoned Single Family with a minimum lot size of 7200 square feet (SF 7200). The vicinity is comprised primarily of one-story commercial buildings along Greenwood and single family homes to the southeast and east, as well as across

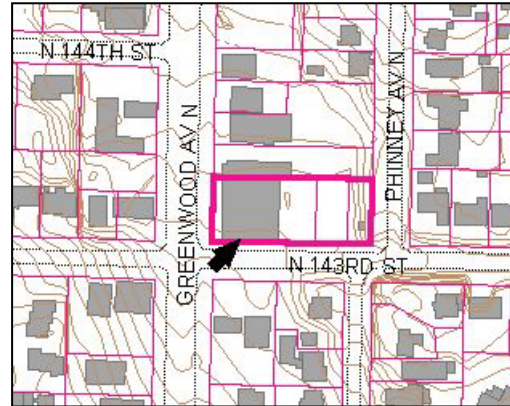
Greenwood Avenue. Directly north is a narrow two-story building with a zero-lot setback. Across N. 143<sup>rd</sup> St. to the south is a gas station fronting Greenwood Avenue and a single family home fronting Phinney Avenue North. Across Phinney is a single family neighborhood.

The 102' by 248' site is flat, except for an abrupt slope approximately eight feet high along the eastern property line (See Figure 1). No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently occupied by a consignment store on the west side and a vehicle impoundment yard on the east. There is no existing sidewalk, apart from a short section that wraps around the corner at Greenwood and 143<sup>rd</sup>.

Four mature Douglas fir trees located on the east side of the lot face Phinney Avenue North. One fir, located onsite, measures 15" dbh (diameter at breast height). The remaining three are located in the right of way and measure 16", 20", and 24" respectively. None qualify as exceptional trees as defined by DPD Director's Rule [2001-6](#).

A DPD geographic database query conducted in early October 2001 found no active Master Use Permit (MUP) applications or permits for properties in the immediate vicinity of the project.

The site is served by public transit. Three bus stops are within close proximity, served by four different bus lines.



**Figure 1.** Local topography



### Proposal Description

The applicant proposes a four-story mixed-use structure with sixty-one (61) residential units and roughly 6,368 square feet of commercial space at ground level. The project provides parking for 104 vehicles at and below grade, to be accessed from a single garage entry on North 143<sup>rd</sup> Street.

### Public Comments

Approximately 35 people attended the Early Design Guidance meeting on September 17, 2001, of which 28 people signed in. Comments related to design review included the following:

- North 143<sup>rd</sup> Street and Phinney Avenue North are not arterials and should not be considered as such. This project should access off of Greenwood Avenue North.
- Proposed bulk is out of proportion with the rest of the neighborhood.
- Consider terracing the structure along N. 143<sup>rd</sup> by placing the lower mass near Phinney and stepping up to the west.
- Consider breaking the upper structure into well articulated, vertically oriented building modules.
- Respect issues of privacy, light pollution, and noise that might affect Phinney Avenue.
- Neighborhood lacks a place for children to play.

DPD also received written comments from the community, including a petition signed by 33 neighbors. Again, most comments related to issues that are beyond the scope of design review. Written comments related to design review included the following:

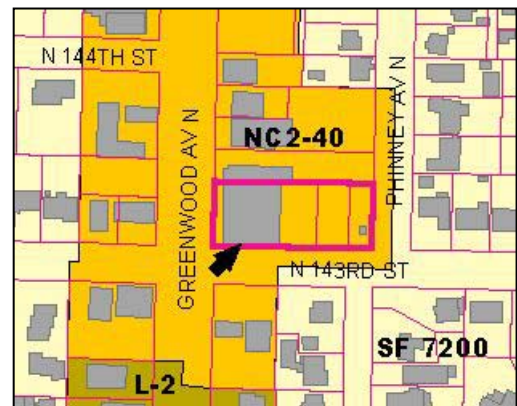
- Where are driveway accesses to be located? Consider driver visibility at 143<sup>rd</sup> and Phinney Avenue North.
- Like the idea of terraces on Phinney side – less impact to residential neighborhood.

At the Recommendation meeting, public comment focused heavily on parking and traffic, whether the apartments would be rentals or condos, and the possible construction timeframe – all issues that are beyond the scope of Design Review. One member of the public requested that substantial landscaping be located at the east side of the project. Another complimented the design team for its response to the early design guidance.

### **ANALYSIS-DESIGN REVIEW**

#### Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance Meeting on September 17, 2001. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.



**Figure 2. Aerial View**

- A-1 Responding to Site Characteristics:** The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The upper levels of the structure should step away from Phinney.

- A-2 Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board recognizes that the site involves two different commercial frontages and felt that each frontage should reflect its respective setting.

- A-3 Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.

One Board member specified that the project should be sensitive to the current context in the vicinity, and that there should be no prominent entry at the corner. The other Board members concurred. The applicant “shouldn’t take such a prescriptive approach to this corner.”

- A-4 Human Activity.** New development should be sited and designed to encourage human activity on the street.

- A-5 Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board considered this guideline to be extremely important, stating that the project should respect the adjacent single family residential neighborhoods by stepping back the structure at the east side. The site interacts with two very different neighborhood elements: a car-intensive commercial strip and a quieter, leafier residential neighborhood. The Board felt that the design could benefit from embracing an asymmetrical form that acknowledges and responds to those two realities.

- A-7 Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board indicated that the applicant should incorporate decks and balconies “with respect”, and discouraged the sole reliance on a large roof deck to achieve the required open space.

- A-8 Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board considers the current access at the corner of 143<sup>rd</sup> and Phinney to be unacceptable. They strongly encourage combining the two curbcuts into one single access point.

If the traffic study and DPD’s review support it, try to move the parking access further toward Greenwood Avenue North, so that it fronts commercially zoned land.

**A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

Board members indicated the project should respond to its corner location at Greenwood Ave. N. and N. 143<sup>rd</sup> St., but that it should avoid an obvious pedestrian entry at this point.

**B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.**

Board members unanimously agreed that the design response to this guideline would be a principal focus for their review. The Board stated a strong bias toward moving the bulk of the building toward Greenwood Avenue North. In addition, it encouraged the applicant to consider inverting the proposed concept shown which has a north-facing U-shaped configuration for the residential portion of the structure. This might allow the majority of the windows to receive better light, as well as diminish the project's bulk impacts on 143<sup>rd</sup>.

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

The Board requested that the applicant conduct further analysis to identify the neighborhood's favorable architectural and landscape character, and that he present how the project responds to that context at the next meeting

**C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

Board members pointed out that two-thirds of the building's frontage along North 143<sup>rd</sup> Street faces a single family neighborhood. They encouraged the applicant to reflect that in the building design.

**C-4 Exterior Finish materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board prefers that the applicant not use vinyl or EFIS unless it is out of sight when seen from street level.

**C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Higher priority as discussed in guidance A-8. No further guidance.

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunity for creating lively, pedestrian-oriented open space should be considered.

Board members considered this to be a higher priority, and recommended that the pedestrian entrance at the corner of Greenwood and 143<sup>rd</sup> be moved away from the corner, such that it does not split the commercial space into two. Staff believes that the Board implied the entry(ies) must still be clearly identified and sufficiently enhanced to comply with the guideline. Board members simply felt that the corner entry was not an appropriate response at this location.

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

While not identified as a higher priority, the Board reserved comment on this guideline until the applicant returns for design recommendations.

**D-6 Screening of Dumpsters, Utilities and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

These should be thoughtfully placed, preferably inside the structure.

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board requested that the applicant provide measures to soften the area where the building meets the sidewalk

**E-2 Landscaping to Enhance the Building and/ or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The existing trees are substantial enough that they should be used to their maximum benefit. Although required street improvements (curbs, gutters, sidewalk) are not subject to design departures, some Board members did strongly advise against waiving full street

improvement requirements along Phinney Avenue North. They encouraged DPD and SeaTran to identify alternative means to design “livable” sidewalks on that side while accommodating the existing mature fir located in the right of way.

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

The proposed design should acknowledge the low bank on the east side of the property, seeking to maintain the existing trees and step the building away from that frontage in order to avoid their root zones.

**MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on May 13, 2002.

**DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation meeting on December 9, 2002, to review the applicant’s formal project proposal developed in response to the previously identified priorities. At this public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the members’ consideration.

**Development Standard Departures**

The applicant requested departures from the following standards of the Land Use Code:

1. Commercial frontage. 80% of street façade to be occupied by non-residential use.
2. Residential lot coverage. 64% coverage allowed for the residential portion of the structure above 13’ high.
3. Sight triangle. A sight triangle shall be kept clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway with a sidewalk.

**Recommendations**

**A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

The architect stepped back the upper residential levels by 10 feet, and the east façade is modulated such that the building appears narrower when seen from Phinney Ave. N. This portion of the building is also not at the maximum height for the zone. The Board acknowledged the design changes and recommended that landscaping and retention of the existing trees should also serve to diminish the building’s perceived bulk.

**A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

The revised proposal removed one of the parking entrances from the residentially oriented southeast corner and has changed one of the proposed commercial spaces to a ground-floor apartment. In addition, the east side of the building is to be intensively landscaped. The west side of the site has several commercially-oriented features. The Design Review Board approved the changes.

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

The updated design has moved the residential entry away from the corner to a less prominent location on N. 143<sup>rd</sup> St. The Board accepted the revision.

**A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.**

Board members complimented the design team for their decision to segregate the commercial spaces so that small-scale tenants might each have their own entry.

**A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The updated design steps back to the west, and the east façade is modulated in order to present a narrow profile to the residential neighborhood. The applicant proposes to protect and maintain the existing trees as a visual buffer. The Board recommended that the applicant locate a tree with substantial growth potential in the southeastern part of the site. The lower parking garage should be redesigned, inverting the southeast corner to provide planting space for such a tree. The Board conditioned their recommendation to approve Design Review on the satisfaction of this recommendation.

**A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The Board agreed that the design features extensive use of balconies and semi-private terraces at the second level.

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

The updated design combines the two parking accesses into a single access, to be located mid-block along N. 143<sup>rd</sup> St. Although there may be a safety issue related to a partially blocked sight triangle, the Board commended the design team for their response, and recommended that DPD use its discretion to resolve the sight triangle issue.



**A-10 Corner Lots.** Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

See A-3.

**B-1 Height, Bulk and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The applicant chose not to implement the Board's early guidance in this regard. The result would have been to orient most of the units to the north, restricting their access to light and air. Board members conceded that the design was appropriate as proposed.

**C-1 Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The applicant stated that most of the surrounding development was not of a scale with the zoning potential of this site. Most single-family homes appear to be of the post-war era, such as single-story ramblers. He stated that the proposed shingle-style siding was a nod to the neighborhood's residential character. The Board recommended that the applicant avoid any siding that "appears to be vinyl" (*i.e.* avoid materials that are poorly jointed, shiny). While the majority of the Board considered shingle-style to be acceptable, some members recommended lap siding: smooth-textured hardiboard with metal corners.

**C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

See guideline A-2.

**C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

See guideline and recommendation C-1.

**C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

See guideline A-8.

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

See guideline A-3. The residential entry is now at a less prominent location, and the Board supported the proposal to incorporate tile features at the sidewalk level.

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The applicant acknowledged that the south-facing residential façade on the east side of the building might benefit from further window treatment. The Board recommended that the applicant incorporate high windows into Levels 1 and 2 along this façade. They also recommended that the applicant install a non-invasive ivy (*e.g.* Boston) along the north façade of the base level.

**D-6 Screening of Dumpsters, Utilities and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The revised design placed the recycling and waste storage area in the below-grade parking garage.

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The applicant proposes a 3'-6" irrigated landscape strip adjacent to the commercial tenant spaces along N 143<sup>rd</sup>. The structure has also been offset to retain the existing fir. The Board recommended retention of the trees on the east side of the parcel.

**E-2 Landscaping to Enhance the Building and/or Site.** Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The applicant proposes to maintain the existing tree on site, as well as employ measures to preserve the remaining trees in the right of way. The Board considers these trees, plus the new tree discussed in guideline A-5, to be natural amenities inherent in this proposal. The Board recognizes that their protection may involve shoring or additional measures, but they point out that their recommendation to approve design review and associated departures rests heavily on preservation of these trees.

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

See guideline E-2.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the December 9, 2002 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the December 9th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

<i><b>Requirement</b></i>	<i><b>Proposed</b></i>	<i><b>Comments</b></i>	<i><b>Action by Board</b></i>
SMC <u>23.47.008 B</u> , <b>Commercial front- age.</b> 80% of street façade to be occupied by non-residential use. $(349.86 - 25) \times 0.8 =$ 260 ft.	218.5 ft, or 16% less than otherwise required.	<ul style="list-style-type: none"> <li>DPD has waived the non-residential frontage requirement for the east side of the project, along Phinney, under subsection <u>B5</u>. The departure is therefore from the full application of the standard to the remaining two streetfronts.</li> <li>In response to residents' concern regarding commercial encroachment into the residential neighborhood, the Board welcomed the applicant's proposal to locate an apartment at the southeast corner of the project.</li> </ul>	The Board recommended that DPD grant the departure.
SMC <u>23.47.008 D</u> , <b>Residential lot cover- age.</b> 64% coverage al- lowed for the residen- tial portion of the structure above 13' high, or 16,174 sq.ft.	An increase of 635 sq. ft., or 3.9% more than oth- erwise allowed.	<ul style="list-style-type: none"> <li>Residential balconies add 412 square feet, which constitutes the bulk of the proposed departure. Balconies were specifically requested by the Board at EDG.</li> </ul>	The Board recommended that DPD grant the departure.
SMC <u>23.54.030 G</u> , <b>Sight triangle.</b> A sight triangle shall be kept clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway with a sidewalk.	Marginal encroachment into the sight triangle by a column	<ul style="list-style-type: none"> <li>Visibility does not appear to be substantially impaired by the encroachment.</li> <li>The design responds to the Board's guidance to combine the two parking accesses, resulting in a wider driveway. The column lines up architecturally with the façade above.</li> </ul>	The Board recommended that DPD grant the departure.

The Board recommended the following four conditions for the project based on the planner's assessment. (Authority referenced in the letter and number in parenthesis):

1. Retain the existing trees along Phinney Ave. N. to diminish the building's perceived bulk. The Board considers these trees, plus the new tree discussed in guideline A-5, to be the principal design amenities inherent in this proposal. The Board recognizes that their protection may involve shoring or additional measures, but they point out that their recommendation to approve design review and associated departures rests heavily on preservation of these trees. (A-1, E-1, E-2)
2. Locate a tree with substantial growth potential in the southeastern part of the site. The lower parking garage should be redesigned, inverting the southeast corner to provide planting space for such a tree. (A-5)
3. Avoid any siding that "appears to be vinyl" (*i.e.* avoid materials that are poorly jointed, shiny). While the majority of the Board considered shingle-style to be acceptable, some members recommended lap siding: smooth-textured hardiboard with metal corners. (C-1)
4. Incorporate high windows into levels 1 and 2 along the 143rd Ave. façade at the southeast plaza. In addition plant a non-invasive ivy (*e.g.* Boston) along the north façade of the base level. (D-2)

#### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. A Certified Arborist's report indicates that tree preservation techniques for the fir trees near Phinney Ave. N. may not save the 15" d.b.h. tree closest to the proposed building. The Board's intention was to preserve the cluster of trees as a buffer between the new development and its single family neighbors across Phinney Ave. N. The Department of Planning and Development recommends that the tree closest to be building (Tree "A" in Arborscan's letter dated October 23, 2003) be replaced by a similar tree of at least ten feet in height and placed within the property line near the cluster of existing trees. The new tree will be of sufficient height and maturity to serve as a buffer between the new building and its neighbors. The preservation techniques, outlined in the arborist's letter, to preserve the three remaining trees will be required by the Department.

#### **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**.

#### **ANALYSIS-SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated April 4, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

### Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

#### Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of nearby residential buildings on N. 143<sup>rd</sup> St. and Phinney Ave.

#### Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 10 feet and will consist of approximately 9,980 cubic yards of material. Approximately 830 cubic yards of soil will be imported as fill. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of

the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Traffic and Parking

Most of the soil removed for the garage will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 998 round trips with 10-yard hauling trucks or approximately 500 round trips with 20-yard hauling trucks which are the standard for this size of undertaking. An additional forty to eighty truck trips to bring fill onto the site brings the number of truck trips to approximately 1,080. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Construction of the project is proposed to last approximately 15 months.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, some impacts warrant further analysis.

### Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that units in residential mid-rise apartment structures units generate 0.44 vehicle trips in the P.M. peak period per unit. The 61 apartment units would generate approximately 26.8 vehicle trips per P.M. peak period. Offices generate approximately 1.49 vehicle trips per 1,000 square feet of floor area. The proposed 6,368 square feet of offices would produce approximate 9.5 vehicle trips in the weekday p.m. peak hour. Total new trips in the peak hour for the proposed structure are approximately 36.3 trips. The existing structure on site is roughly 11,000 square feet. Since 1980 it has housed a variety of retail uses, King County records list the existing use as a furniture store. This kind of business would have generated an average of .53 vehicle trips per 1,000 square feet of space. When the 5.83 vehicle trips in the p.m. peak hour produced by the furniture store are subtracted from the vehicle trips of the proposed project, the subject mixed-use building will produce approximately 30 new trips in the p.m. peak hour.

The new trips added to the p.m. peak hour traffic will not seriously affect operations of the nearby intersections, so no SEPA mitigation of traffic impacts to this intersection is warranted.

### Parking

The proposed 104 parking spaces exceed the Land Use Code requirement for on-site parking. The on-site parking supply is anticipated to meet adequately the demands of the project, which is typically assumed to be a rate of 1.5 spaces per unit. Since minimal spillover parking is anticipated, further SEPA mitigation of parking impacts is not warranted.

### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

## **CONDITIONS-DESIGN REVIEW**

### Prior to Issuance of a Master Use Permit

Revise plans according to the following conditions.

1. Retain three of four existing fir trees along Phinney Ave. N. to diminish the building's perceived bulk. The fourth tree (closest to the proposed building) will be replaced by a ten foot fir. The Board considers these trees, plus the new tree discussed in guideline A-5, to be the principal design amenities inherent in this proposal. The Board recognizes that their protection may involve shoring or additional measures, but they point out that their recommendation to approve design review and associated departures rests heavily on preservation of these trees.
2. Locate a tree with substantial growth potential in the southeastern part of the site. The lower parking garage should be redesigned, inverting the southeast corner to provide planting space for such a tree.



3. Avoid any siding that “appears to be vinyl” (*i.e.* avoid materials that are poorly jointed, shiny). While the majority of the Board considered shingle-style to be acceptable, some members recommended lap siding: smooth-textured hardiboard with metal corners.
4. Incorporate high windows into Levels 1 and 2 along the North 143rd St. façade at the southeast plaza. In addition plant a non-invasive ivy (*e.g.* Boston) along the north façade of the base level.

Prior to Issuance of a Demolition, Grading, or Building Permit

- 5 Show tree preservation techniques based on Arborscan’s report (letter dated October 23, 2003 to Mr. Dennis Alfredson) on construction plans.

During Construction

6. Replace any existing trees on the Phinney Ave. N. side of the project (documented by Arborscan) that does not survive the construction with a similar tree. New trees should be a minimum of 10 feet in height and located near the surviving cluster of trees.

Non-Appealable Conditions

7. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
8. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
9. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

**CONDITIONS-SEPA**

Prior to Issuance of a Demolition, Grading, or Building Permit

The owner(s) and/or responsible party (-ies) shall:

10. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by

DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

11. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M. and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

12. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and would not be subject to the additional noise mitigating conditions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Bruce P. Rips, AICP, Project Planner  
Department of Planning and Development  
Land Use Services